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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,217	01/21/2004	Franky Bru	ESKO-037	2194
21921	7590	10/07/2008		
DOV ROSENFELD 5507 COLLEGE AVE SUITE 2 OAKLAND, CA 94618			EXAMINER DHINGRA, PAWANDEEP	
			ART UNIT	PAPER NUMBER
			2625	
			MAIL DATE	DELIVERY MODE
			10/07/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/762,217

**Applicant(s)**

BRU, FRANKY

**Examiner**

PAWANDEEP S. DHINGRA

**Art Unit**

2625

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10, 12-20 is/are rejected.
- 7) ☒ Claim(s) 4 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

- This action is responsive to the following communication: Amendment after non-final filed on 06/30/2008.
- Claims 1-20 are pending in the present application.

### ***Response to arguments***

Applicant's amendments, filed 06/30/2008 have been entered and fully considered. In light of the applicant's amendments and arguments, the rejection(s) have been withdrawn. However, upon further consideration, a new ground(s) of rejection(s) have been made, and applicant's arguments have been rendered moot.

### ***Claim Rejections - 35 USC § 101***

Previous 101 objections to claims are withdrawn in view of applicant's amendments and arguments.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-10, and 12-20 are rejected under 35 U.S.C. 103 as being unpatentable over Dimensional Impressions Score! X, © 2002 Dimensional CAD/CAM Systems. Score! X, an Artwork Systems Inc. company, Bristol, PA. Available online at <http://www.score-x.com/index.htm>; <http://www.score-x.com/flow.htm>; <http://www.score-x.com/features.htm> in view of Tacke, US 2003/0098994.

Re claim 1, Score! X discloses a computer-implemented method (see <http://www.score-x.com/index.htm>, page 1; <http://www.score-x.com/flow.htm>, page 1, paragraph 1, 2) comprising: (a) accepting structural information relating to carton constructed of a planar substrate that will be cut and folded to yield a three-dimensional carton having surface regions that will be printed with graphics(see <http://www.score-x.com/index.htm>, page 1; <http://www.score-x.com/flow.htm>, pages 1-2, and <http://www.score-x.com/features.htm>); (b) accepting said graphics or interacting with a user to design said graphics to cover said surface regions of said carton (see <http://www.score-x.com/flow.htm> - page 1, paragraph 2-3; <http://www.score-x.com/features.htm> - design library, fully parametric designs, graphic flexibility, and revolutionary 3-D sections, note that Score! X accepts graphics from different sources to cover regions of the carton); (c) interacting with said user to superimpose said graphics accepted or designed at step (b) on a computer-generated two-dimensional image of relevant regions of said planar substrate to be printed with graphics, said two-dimensional image displayed on a computer monitor (see <http://www.score-x.com/flow.htm> - page 1, paragraph 2-3; <http://www.score-x.com/features.htm> - design library, fully parametric designs, graphic flexibility and

revolutionary 3-D sections); (d) interacting with said user to manipulate, as required, said graphics accepted or designed at step (b) to cover relevant said regions of each said surface, as viewed on said computer-generated image on said computer monitor (see <http://www.score-x.com/flow.htm> - page 2, paragraph 1-2; <http://www.score-x.com/features.htm> - design library, fully parametric designs, graphic flexibility and revolutionary 3-D sections); (e) creating a three-dimensional computer-generated image of said carton on said computer monitor or on a different computer monitor, said image including graphics accepter or designed at step (b) and, if required, manipulated at step (d) (see <http://www.score-x.com/flow.htm> - pages 1-2; <http://www.score-x.com/features.htm> - design library, fully parametric designs, graphic flexibility and revolutionary 3-D sections);

Score! X fails to explicitly disclose (f) receiving from said user, said user confirming from visualizing said computer-generated image created at step, (e), an indication of acceptability of graphics covering relevant said regions, and modifications, if required, of said graphics; and (g) determining and outputting computer-readable data containing said accepted or designed graphics whose acceptability was received at step (f), said computer-readable data usable for printing of said graphics upon at least some surface regions of said planar substrate.

However, Tacke teaches (f) receiving from said user, said user confirming from visualizing said computer-generated image created at step (e), an indication of acceptability of graphics covering relevant said regions, and modifications, if required, of said graphics (see paragraphs 2-26, 38); and (g) determining and outputting computer-

readable data containing said accepted or designed graphics whose acceptability was received at step (f) (see paragraphs 2-26, 38), said computer-readable data usable for printing of said graphics upon at least some surface regions of said planar substrate (see paragraphs 2-26, 38).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify the 3-D package designing system of Score! X with method and system for producing proof data for package printing as taught by Tacke for the benefit of "producing proof data that agree exactly with the package subsequently produced" as taught by Tacke at paragraph 11

Re claim 2, Score! X further teaches wherein at step (a), said structural information includes at least one of (i) a pattern showing cuts to be made on said planar substrate to define at least one of a panel and a flap, (ii) information defining where at least one of a panel and a flap are to be folded through a fold angle, and (iii) information relating to composition of said substrate (see <http://www.score-x.com/flow.htm> - pages 1-2; <http://www.score-x.com/features.htm> - design library, fully parametric designs, and revolutionary 3-D sections).

Re claim 3, Score! X further teaches including generating at least one clipping mask to avoid printing on a surface of said carton that is not visible when fabrication of said carton is complete (see <http://www.score-x.com/flow.htm> - pages 1-2; <http://www.score-x.com/features.htm> - fully parametric designs, revolutionary 3-D section, note that user can set parameters and view the exact replica of the carton which is going to be printed).

Re claim 5, Score! X further teaches wherein manipulating at step (d) includes at least one of (i) rotation, (ii) scaling, (iii) copying, (iv) cutting, and (v) pasting (see <http://www.score-x.com/flow.htm> - pages 1-2; <http://www.score-x.com/features.htm> - design library, fully parametric designs, and revolutionary 3-D sections).

Re claim 6, Score! X further teaches providing said computer-readable data output at (g) as input to a carton fabrication system (see <http://www.score-x.com/flow.htm> - page 2, paragraph 3, and <http://www.score-x.com/features.htm> - powerful translators section, note that the computer readable file can be emailed or saved on a disk, and using email or disk as an input to a any kind of fabrication system is well-known in the art).

Re claim 7, Score! X further teaches wherein said graphics are designed for printing on a carton having at least five surfaces (see <http://www.score-x.com/flow.htm> - pages 1-2; <http://www.score-x.com/features.htm> - design library, fully parametric designs, and revolutionary 3-D sections).

Re Claims 8-10, and 12-13, claims 8-10, and 12-13 recite identical features, as claims 1-3, and 5-6, except claims 8-10, and 12-13 are an apparatus claims. Thus, arguments made for claims 1-3, and 5-6 are applicable for claims 8-10, and 12-13.

Re Claims 14-15, claims 14-15 are essentially similar to claims 1 & 6 and are rejected on the same grounds.

Re claims 16 is essentially similar to claim 1 and is rejected on the same grounds.

Re claims 17 is essentially similar to claim 16 and is rejected on the same grounds.

Re claim 18, Score! X fails to teach wherein said substrate is printed with said graphics before said substrate is cut.

However, Official Notice is taken to note that ability to print the substrate with said graphics before said substrate is cut is notoriously well known and commonly used in the art. It would have been obvious to one with ordinary skill in the art to input the output file of Score! X to a carton fabrication system, which prints the substrate with said graphics before cutting said substrate for the benefit of providing a substrate with precisely printing as desired by the user. Also note that applicant's disclosure discloses in paragraph 31 that "*Carton fabrication system 300 benefits from aspects of the present invention, but need not be considered part of aspects of the present invention*". Furthermore, printing the substrate with said graphics before said substrate is cut is also notoriously well known and commonly used in the art of carton fabrication system.

Re claims 19-20 are essentially similar and recite same elements as claims 2 & 3 and are rejected on the same grounds.

#### ***Allowable Subject Matter***

Regarding claims 4 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose, teach, or suggest the claimed inventions of (in combination with all other limitations in the claims), identifying regions of graphics to be printed on said carton that are likely to experience printing ink bleeding and compensating for such bleeding in laying out said regions of said graphics as set forth in claims 4 & 11.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAWANDEEP S. DHINGRA whose telephone number is (571)270-1231. The examiner can normally be reached on M-F, 9:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler L. Haskins can be reached on 571-272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. D./  
Examiner, Art Unit 2625

/King Y. Poon/  
Supervisory Patent Examiner, Art  
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